

NOTICE OF COMMENT PERIOD

The Nebraska Supreme Court is considering proposed amendments to Neb. Ct. R. § 6-104, entitled “Time for disposition of juvenile cases.” The Nebraska Supreme Court directed that the proposed amendments be published for a period of public comment.

The Nebraska Supreme Court invites interested persons to comment on the proposed amendments. Anyone desiring to comment on the proposed amendments should do so in writing to the office of the Clerk of the Supreme Court and Court of Appeals, P.O. Box 98910, Lincoln, Nebraska 68509-8910, or via email to erika.schafer@nejudicial.gov, with the rule number listed in the subject line, no later than March 1, 2024.

The full text of the proposed amendment is available below, or a paper copy may be obtained by telephoning the office of the Clerk of the Supreme Court and Court of Appeals at (402) 471-3731.

CHAPTER 6: TRIAL COURTS **Article 1: Case Progression Standards.**

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§ 6-104. Time for disposition of juvenile cases.

These standards are designed as tools to achieve the overall goals of efficiency, productivity, and access to justice, and are not intended as absolute requirements.

(A) The following case progression standards shall apply to child welfare cases:

(1) A temporary custody hearing should be held no later than 8 days after the child’s removal.

(2) Adjudication hearings in cases under Neb. Rev. Stat. § 43-247(3)(a) where children have been removed should be held within 60 days of the filing of the petition. Where the children have not been removed, or are returned home shortly after the filing of the petition, the adjudication hearing should occur within 90 days of the date of filing. If the termination of parental rights hearing is happening simultaneously or the case has complex issues or the service of process on a parent or child requires additional time, there can be an exception. In cases where families are participating in voluntary services where a dismissal is anticipated in the future, it would be permitted or allowed to regard the case as on hold, and therefore exempt from the progression standard, until dismissal.

(3) A disposition hearing should be held within 45 days from the date of the adjudication hearing.

(4) Review hearings should be held, on the record, every 6 months.

~~(5) The time between the filing of a Motion to Terminate Parental Rights and submission for decision should be no more than 90 days. When an initial petition also includes a Motion to Terminate Parental Rights, it should be submitted to the court for decision within 180 days. If service on the parent is delayed, the 90 day or 180 day period may start once service is effected.~~

(5) The adjudication of a Motion to Terminate Parental Rights should be scheduled to commence within 90 days of service being perfected. The decision on a Motion to Terminate should be prioritized by the judge in accordance with the best interests of the child(ren).

(B) The following case progression standards shall apply to juvenile justice cases:

(1) Notwithstanding any federal or state law providing for a longer period, the juvenile shall not be held in detention for more than 48 hours without a probable cause finding being made by the appropriate judicial authority.

Nothing contained in this rule shall prevent the judges of a separate juvenile court of any county in this state or the county judges having juvenile jurisdiction in any judicial district of this state from adopting a local rule providing for a probable cause finding to be made by the appropriate judicial authority in a timeframe of less than 48 hours nor shall this rule prevent such local rule from requiring the appropriate judicial authority to make a finding whether continued detention is a matter of immediate and urgent necessity because the juvenile is a danger to self or others or to property of others or is at risk for flight.

(2) An adjudication hearing shall be held within 30 days from the initial date of detention if the juvenile remains detained after the filing of a delinquency petition or 14 days if the juvenile remains detained on a Motion to Revoke Probation.

(3) The time between the filing of the petition and the adjudication for nondetained juveniles should be no more than 90 days for delinquency or status offenses and no more than 30 days for resolutions of Motions to Revoke Probation for nondetained juveniles.

(4) A disposition hearing should be held within 45 days from the date of the adjudication hearing.

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